

**Introduced by Senator Ashburn**

January 26, 2010

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An act to amend Sections 8483.7 and 8483.75 of the Education Code, relating to after school programs.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 898, as introduced, Ashburn. After School Education and Safety Program.

The After School Education and Safety Program Act of 2002, enacted by Proposition 49, an initiative measure, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act requires funds to be continuously appropriated to the State Department of Education from the General Fund for purposes of the program pursuant to a specified formula. Existing law specifies that each school that establishes a program pursuant to the act is eligible to receive a 3-year direct grant if certain requirements are met. The Superintendent of Public Instruction is required to determine the total annual grant amounts for participating schools pursuant to a formula that specifies a maximum per-pupil amount for pupils attending a participating school's program.

This bill, notwithstanding those limits, would establish a minimum total direct grant amount for small schools, as specified.

Existing law authorizes the Legislature to amend the act to further its purposes by statute, passed in each house by a majority vote of the membership concurring and signed by the Governor, except as specified.

This bill would set forth a finding and declaration that the proposed amendments further the purposes of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8483.7 of the Education Code is amended  
2 to read:  
3     8483.7. (a) (1) (A) Each school that establishes a program  
4 pursuant to this article is eligible to receive a three-year direct  
5 grant, that shall be awarded in three one-year increments and is  
6 subject to semiannual attendance reporting and requirements as  
7 described in Section 8482.3 once every three years.  
8     (i) The department shall provide technical support for  
9 development of a program improvement plan for grantees under  
10 the following conditions:  
11     (I) If actual pupil attendance falls below 75 percent of the target  
12 attendance level in any year of the grant.  
13     (II) If the grantee fails, in any year of the grant, to demonstrate  
14 measurable outcomes pursuant to Section 8484.  
15     (ii) The department shall adjust the grant level of any school  
16 within the program that is under its targeted attendance level by  
17 more than 15 percent in each of two consecutive years.  
18     (iii) In any year after the initial grant year, if the actual  
19 attendance level of a school within the program falls below 75  
20 percent of the target attendance level, the department shall perform  
21 a review of the program and adjust the grant level as the department  
22 deems appropriate.  
23     (iv) The department shall create a process to allow a grantee to  
24 voluntarily lower its annual grant amount if one or more sites are  
25 unable to meet the proposed pupil attendance levels by the end of  
26 the second year of the grant.  
27     (v) A grantee who has had its grant amount reduced may  
28 subsequently request an increase in funding up to the maximum  
29 grant amounts provided under this subdivision.  
30     (vi) The department may terminate the grant of any site or  
31 program that does not comply with fiscal reporting, attendance  
32 reporting, or outcomes reporting requirements established by the  
33 department and pursuant to Section 8484. The department may  
34 withhold the grant allocation for a program or site if the prior grant

1 year's fiscal or attendance reporting remains outstanding, until the  
2 reports have been filed with the department.

3 (vii) Notwithstanding any other provision of this subdivision  
4 or any other provision of law, after the technical assistance required  
5 under clause (i) has been provided, the department may at any time  
6 terminate the grant of any school in a program that fails for three  
7 consecutive years to meet either of the following requirements:

8 (I) Demonstrate measurable program outcomes pursuant to  
9 Section 8484.

10 (II) Attain 75 percent of its proposed attendance level after  
11 having had its program reviewed and grant level adjusted by the  
12 department.

13 (B) Direct grants may be awarded to applicants that have  
14 demonstrated readiness to begin operation of a program or to  
15 expand existing programs.

16 (C) The maximum total direct grant amount awarded annually  
17 pursuant to this paragraph shall be one hundred twelve thousand  
18 five hundred dollars (\$112,500) for each regular school year for  
19 each elementary school and one hundred fifty thousand dollars  
20 (\$150,000) for each regular school year for each middle or junior  
21 high school. The Superintendent shall determine the total annual  
22 direct grant amount for which a site is eligible based on a formula  
23 of seven dollars and fifty cents (\$7.50) per pupil per day of pupil  
24 attendance that the program plans to serve, with a maximum total  
25 grant of thirty-seven dollars and fifty cents (\$37.50) per projected  
26 pupil per week, and a formula of seven dollars and fifty cents  
27 (\$7.50) per projected pupil per day of staff development, with a  
28 maximum of three staff development days per year. A program  
29 may provide the three days of staff development during regular  
30 program hours using funds from the total grant award.

31 (2) For large schools, the maximum total grant amounts  
32 described in paragraph (1) may be increased based on the following  
33 formulas, up to a maximum amount of twice the respective limits  
34 specified in paragraph (1):

35 (A) For elementary schools, multiply one hundred thirteen  
36 dollars (\$113) by the number of pupils enrolled at the schoolsite  
37 for the normal schoolday program that exceeds 600.

38 (B) For middle schools, multiply one hundred thirteen dollars  
39 (\$113) by the number of pupils enrolled at the schoolsite for the  
40 normal schoolday program that exceeds 900.

(3) The maximum total grant amounts set forth in subparagraph (C) of paragraph (1) may be increased from any funds made available for this purpose in the annual Budget Act for participating schools that have pupils on waiting lists for the program. Grants may be increased by the lesser of an amount that is either 25 percent of the current maximum total grant amount or equal to the proportion of pupils unserved by the program as measured by documented waiting lists as of January 1 of the previous grant year, compared to the actual after school enrollment on the same date. The amount of the required cash or in-kind matching funds shall be increased accordingly. First priority for an increased maximum grant pursuant to this paragraph shall be given to schools that qualify for funding pursuant to subdivision (b) of Section 8482.55. Second priority shall be given to schools that receive funding priority pursuant to subdivision (f) of Section 8482.55.

(4) A school that establishes a program pursuant to this section is eligible to receive a supplemental grant to operate the program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Seven dollars and fifty cents (\$7.50) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to subparagraph (C) of paragraph (1).

(5) Each program shall provide an amount of cash or in-kind local funds equal to not less than one-third of the total grant from the school district, governmental agencies, community organizations, or the private sector. Facilities or space usage may fulfill not more than 25 percent of the required local contribution.

(6) (A) A grantee may allocate, with departmental approval, up to 125 percent of the maximum total grant amount for an individual school, so long as the maximum total grant amount for all school programs administered by the program grantee is not exceeded.

(B) A program grantee that transfers funds for purposes of administering a program pursuant to subparagraph (A) shall have an established waiting list for enrollment, and may transfer only from another school program that has met a minimum of 70 percent of its attendance goal.

(7) Notwithstanding the per-pupil formulas specified in subparagraph (C), the minimum total direct grant amount awarded annually pursuant to this paragraph for small schools is as follows:

(A) For each elementary, middle, or junior high school in which the number of pupils enrolled for the normal schoolday program is at least 30 but not more than 74 pupils, the minimum total direct grant amount awarded annually shall be fifty thousand dollars (\$50,000), provided that the target number of pupils to be served, as established pursuant to paragraph (9) of subdivision (f) of Section 8482.3, is at least one-half of the number of pupils enrolled at the schoolsite for the normal schoolday program, but not less than 20 pupils.

(B) For each elementary, middle, or junior high school in which the number of pupils enrolled for the normal schoolday program is less than 30 pupils, the minimum total direct grant amount awarded annually shall be thirty thousand dollars (\$30,000), provided that the target number of pupils to be served, as established pursuant to paragraph (9) of subdivision (f) of Section 8482.3, is at least two-thirds of the number of pupils enrolled at the schoolsite for the normal schoolday program, but not less than 10 pupils.

(b) The administrator of a program established pursuant to this article may supplement, but not supplant, existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be used to make the required contribution of local funds for those after school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

(d) For each year of the grant, the department shall award the total grant amount for that year not later than 30 days after the date the grantee accepts the grant.

(e) The department may adjust the amount of a direct grant, awarded to a new applicant pursuant to this section, on the basis of the program start date, as determined by the department.

SEC. 2. Section 8483.75 of the Education Code is amended to read:

1 8483.75. (a) (1) (A) Each school that establishes a before  
2 school program component pursuant to Section 8483.1 is eligible  
3 to receive a three year renewable direct grant, that shall be awarded  
4 in three one-year increments and is subject to semiannual  
5 attendance reporting and renewal as required by the department.  
6 Before school programs established pursuant to this section shall  
7 be subject to the same reporting and accountability provisions  
8 described in subparagraph (A) of paragraph (1) of subdivision (a)  
9 of Section 8483.7.

10 (B) The maximum total grant amount awarded annually pursuant  
11 to this paragraph shall be thirty-seven thousand five hundred dollars  
12 (\$37,500) for each regular school year for each elementary school  
13 and forty-nine thousand dollars (\$49,000) for each regular school  
14 year for each middle or junior high school.

15 (C) The Superintendent shall determine the total annual direct  
16 grant amount for which a site is eligible based on a formula of five  
17 dollars (\$5) per pupil per day that the program plans to serve, with  
18 a maximum total grant of twenty-five dollars (\$25) per projected  
19 pupil per week.

20 *(D) Notwithstanding subparagraph (C), the minimum total grant*  
21 *awarded annually pursuant to this paragraph for each regular*  
22 *school year for each elementary, middle, or junior high school in*  
23 *which the number of pupils enrolled for the normal schoolday*  
24 *program is less than 30 pupils shall be sixteen thousand five*  
25 *hundred dollars (\$16,500), provided that the targeted number of*  
26 *pupils to be served, as established pursuant to paragraph (9) of*  
27 *subdivision (f) of Section 8482.3, is equal to at least two-thirds of*  
28 *the number of pupils enrolled at the schoolsite for the normal*  
29 *schoolday program.*

30 (2) For large schools, the maximum total grant amounts  
31 described in paragraph (1) may be increased based on the following  
32 formulas, up to a maximum amount of twice the respective limits  
33 specified in paragraph (1):

34 (A) For elementary schools, multiply seventy-five dollars (\$75)  
35 by the number of pupils enrolled at the schoolsite for the normal  
36 schoolday program that exceeds 600.

37 (B) For middle schools, multiply seventy-five dollars (\$75) by  
38 the number of pupils enrolled at the schoolsite for the normal  
39 schoolday program that exceeds 900.

1 (3) A school that establishes a program pursuant to this article  
2 is eligible to receive a supplemental grant to operate the program  
3 in excess of 180 schooldays during any combination of summer,  
4 intersession, or vacation periods for a maximum of 30 percent of  
5 the total grant amount awarded to the school per school year under  
6 this subdivision.

7 (4) Each program shall provide an amount of cash or in-kind  
8 local funds equal to not less than one-third of the total grant from  
9 the school district, governmental agencies, community  
10 organizations, or the private sector. Facilities or space usage may  
11 fulfill not more than 25 percent of the required local contribution.

12 (5) (A) The department may award up to 125 percent of the  
13 maximum total grant amount for an individual school, so long as  
14 the maximum total grant amount for all school programs  
15 administered by the program grantee is not exceeded.

16 (B) A program grantee that is awarded funds pursuant to  
17 subparagraph (A) shall have an established waiting list for  
18 enrollment, and may receive funds only from another school  
19 program that has met a minimum of 70 percent of its attendance  
20 goal.

21 (b) The administrator of a program established pursuant to this  
22 article may supplement, but not supplant, existing funding for  
23 before school programs with grant funds awarded pursuant to this  
24 article. State categorical funds for remedial education activities  
25 shall not be used to make the required contribution of local funds  
26 for those before school programs.

27 (c) Up to 15 percent of the initial year's grant amount for each  
28 grant recipient may be utilized for startup costs. Under no  
29 circumstance shall funding for startup costs result in an increase  
30 in the grant recipient's total funding above the approved grant  
31 amount.

32 (d) For each year of the grant, the department shall award the  
33 total grant amount for that year not later than 30 days after the date  
34 the grantee accepts the grant.

35 SEC. 3. The Legislature finds and declares that this act furthers  
36 the purposes of the After School Education and Safety Program  
37 Act of 2002.